

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

RAMON HERNANDEZ-PACHECO,

Civil No. 10-2088 (JRT/TNL)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

SCOTT PETER FISHER,

Respondent.

Ramon Hernandez-Pacheco, #19068-045 K1, FCI Sandstone, Post Office Box 1000, Sandstone, MN 55072, pro se petitioner.

Gregory Brooker, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for respondent.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Tony N. Leung, dated September 12, 2011. Based upon the Report and Recommendation of the Magistrate Judge [Docket No. 12], and all of the files, records and proceedings herein, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Petitioner's motion to strike is **DENIED**;
2. Petitioner's Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 by a Person in Federal Custody (Docket No. 1) is **DENIED**;
3. This action is **DISMISSED WITHOUT PREJUDICE** for Petitioner to exhaust his administrative remedies; and

4. The certificate of appealability is **DENIED**.

Dated: October 11, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge